

F001A 1-07-00

Federal Communications Commission

DA 00-2106

SEP 13 8 12 AM '00

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	
FM Broadcast Stations.)	
)	
(Jenner, California)	)	MM Docket No. 00-33
	)	RM-9816
)	
(Culver, Indiana)	)	MM Docket No. 00-34 ✓
	)	RM-9817
)	
(Lake Isabella, California)	)	MM Docket No. 00-35
	)	RM-9818
)	
(Olpe, Kansas)	)	MM Docket No. 00-71
	)	RM-9852
)	
(Covelo, California)	)	MM Docket No. 00-72
	)	RM-9853
)	
(Sterling, Colorado)	)	MM Docket No. 00-74
	)	RM-9862
)	
(Kahului, Hawaii)	)	MM Docket No. 00-75
	)	RM-9863

REPORT AND ORDER
(Proceeding Terminated)

Adopted: September 6, 2000

; Released: September 15, 2000

By the Chief, Allocations Branch:

1. The Commission has before it for consideration multiple dockets contained in three separate Notices of Proposed Rule Making ("NPRMs"), as specified below, setting forth individual proposals to allot channels to specific communities. The proposals set forth in the NPRMs were not mutually exclusive with each other, and those that remain so are consolidated in this Report and

Order as part of our effort to expedite and make more efficient the FM allotment rulemaking process because these proceedings are uncontested. However, these consolidated dockets are still separate for finality purposes. In the event a reconsideration petition is directed to an action in a particular docket, a separate Memorandum Opinion and Order will resolve that reconsideration petition.

2. Each petitioner filed comments in support of its proposal, reaffirming its intention to apply for the specified channel, if allotted. Each proposal complies with all Commission technical requirements, and we continue to believe that each proposal would serve the public interest. Accordingly, we adopt each proposal, as follows:

(1) MM Docket No. 00-33; RM-9816

Action: Brian Costello requested the allotment of Channel 292A to Jenner, California, as that locality's first local aural transmission service. As Jenner is not incorporated, the Notice invited comments on the attributes of Jenner for allotment purposes. In response, petitioner provided information to satisfy our concerns, and therefore, we are allotting Channel 292A to Jenner, California, as that community's first local aural transmission service.

Coordinates: 38-30-55 NL; 123-11-45 WL

Additional Information: The allotment of Channel 292A to Jenner requires a site restriction 10.1 kilometers (6.3 miles) northwest of the community to negate a short spacing to Station KMEL(FM), Channel 291B, San Francisco, California, at coordinates 37-41-24 NL and 122-26-13 WL.

FCC Contact: Nancy Joyner (202) 418-2180.

(2) MM Docket No. 00-34; RM-9817

Action: At the request of Larko Communications, Inc., and as supported by M & W Broadcasting, we are allotting Channel 252A to Culver, Indiana, as that community's first local aural transmission service.

Coordinates: 41-13-04 NL; 86-25-21 WL

Additional Information: Channel 252A can be allotted to Culver, Indiana, without a site restriction. Additionally, as Culver is located within 320 kilometers (199 miles) of the U.S.-Canada border, the Commission obtained concurrence of the Canadian government to the allotment of Channel 252A to that community.

FCC Contact: Nancy Joyner, (202) 418-2180.

(3) MM Docket No. 00-35; RM-9818

Action: At the request of Dana J. Puopolo,¹ we are allotting Channel 239A to Lake Isabella, California, as that community's second local FM transmission service.

Coordinates: 35-35-11 NL; 118-26-34 WL

Additional Information: No site restriction is required for this allotment.

FCC Contact: Nancy Joyner, (202) 418-2180.

(4) MM Docket No. 00-71; RM-9852

Action: At the request of Michael D. Law, we are allotting Channel 276A to Olpe, Kansas, a census designated place, as that community's first local aural transmission service

Coordinates: 38-12-39 NL; 96-10-50 WL

Additional Information: The allotment of Channel 276A to Olpe, Kansas, requires a site restriction 5.8 kilometers (3.6 miles) south of the community to avoid a short-spacing to Station KQTP, Channel 275C2, St. Marys, Kansas, at coordinates 39-08-42 NL; 95-55-37 WL.

FCC Contact: Nancy Joyner, (202) 418-2180.

(5) MM Docket No. 00-72; RM-9853

Action: At the request of Round Valley Unified School District, we are allotting Channel 245A to Covelo, California, a census designated place, as that community's first local aural transmission service.

Coordinates: 39-47-42 NL; 123-14-54 WL

Additional Information: No site restriction is required for this allotment.

FCC Contact: Nancy Joyner, (202) 418-2180.

¹ The petitioner's comments were late-filed, and were not accompanied by a request for their acceptance. Pursuant to Section 1.415(d) of the Commission's Rules, the acceptance of comments after the comment cycle is not contemplated unless specifically requested or authorized by the Commission. While neither criteria is applicable here, we will accept the petitioner's comments in this uncontested proceeding for the purpose of allowing him to restate his interest in applying for the channel.

(6) MM Docket No. 00-74; RM-9862

Action: At the request of Ling Broadcasting, we are allotting Channel 248C3 to Sterling, Colorado, as that community's third local FM transmission service.

Coordinates: 40-37-32 NL; 103-12-25 WL

Additional Information: No site restriction is required for this allotment.

FCC Contact: Nancy Joyner, (202) 418-2180.

(7) MM Docket No. 00-75; RM-9863

Action: At the request of New West Broadcasting,² we are allotting Channel 223C2 to Kahului, Hawaii, as that community's second local FM transmission service.

Coordinates: 20-50-24 NL; 156-23-14 WL

Additional Information: The allotment of Channel 223C2 to Kahului, Hawaii, requires a site restriction 10.5 kilometers (6.5 miles) southeast of the community to avoid a short spacing to Station KSSK-FM, Channel 222C, Waipahu, Hawaii, at coordinates 21-23-49 NL; 158-05-58 WL.

FCC Contact: Nancy Joyner, (202) 418-2180.

3. Accordingly, pursuant to the authority found in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective, October 30, 2000, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Jenner, California	292A
Culver, Indiana	252A

² New West Broadcasting's comments were late-filed, and were not accompanied by a request for their acceptance. Pursuant to Section 1.415(d) of the Commission's Rules, the acceptance of comments after the comment cycle is not contemplated unless specifically requested or authorized by the Commission. While neither criteria is applicable here, we will accept New West Broadcasting's comments in this uncontested proceeding for the purpose of allowing the petitioner to restate its interest in applying for the channel.

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Lake Isabella, California	239A, 283A
Olpe, Kansas	276A
Covelo, California	245A
Sterling, Colorado	248C3, 284C1, 288A
Kahului, Hawaii	223C2, 260C1

4. The window period for filing applications for these allotments will not be opened at this time. Instead, the issue of opening a filing window for these allotments will be addressed by the Commission in a subsequent order.

5. IT IS FURTHER ORDERED, That the aforementioned proceedings ARE TERMINATED.

6. For further information concerning a specific docket, contact the FCC Contact listed above for that docket. Questions related to the window application filing process should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau